

STAFF REPORT

Meeting Date: May 18 2005

TO: LAFCO Commissioners

FROM: Everett Millais, Executive Officer

SUBJECT: Request for Reconsideration of LAFCO 05-02 Ojai Valley Sanitary District Annexation - Rennacker

RECOMMENDATION:

Approve the request for reconsideration and schedule reconsideration of LAFCO 05-02 Ojai Valley Sanitary District – Rennacker for July 20, 2005.

DISCUSSION:

Background:

On March 16, 2005, the Commission conditionally approved LAFCO 05-02 Ojai Valley Sanitary District Annexation – Rennacker. Due to a private dispute between property owners about the ability to use a private roadway access easement for a private sewer lateral, the Commission's approval action included authorization for the District to connect the Rennacker property to the District's public sewer facilities prior to, but in anticipation of, annexation. The Commission's resolution of approval and the original and supplemental staff reports for this matter prepared for the March 16 meeting are attached.

Subsequent to the Commission's conditional approval decision a request for reconsideration pursuant to Government Code Section 56895 was filed on behalf of the Upper Foothill Road Property Owners Association (UFRPOA) and the Neighborhood Alliance to Protect Historic Arbolada-Foothill (NAPHAF). The reconsideration request and the grounds for the request are contained in two letters, one dated March 28, 2005 and the other dated April 15, 2005, that are also attached. Staff has determined that the

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letters, together with payment of the reconsideration fee, meet the criteria in the law and the Commission's policies to constitute a valid and complete reconsideration request. In conformance with the law, the May 18, 2005 meeting was the next meeting of the Commission for which notice of the reconsideration request could be given.

At the May 18, 2005, meeting the Commission, at the request of UFRPOA and NAPHAF, and without objection from Ojai Valley Sanitary District, the original applicant, continued action on the reconsideration request until June 15, 2005. Government Code Section 56895 (attached) provides that the Commission can only continue action on a reconsideration request one time. Thus, the Commission must act on the reconsideration request on June 15.

The reconsideration process first consists of a hearing by the Commission about the reconsideration request itself. Specifically, the Commission must first determine whether or not there is sufficient grounds to warrant reconsideration. If the Commission determines that there is not sufficient grounds to warrant a reconsideration and denies the reconsideration request, no further action is necessary or appropriate. The March 16, 2005 decision will stand. If, however, the Commission determines that there is sufficient grounds to warrant reconsideration and grants the reconsideration request wholly, partially, or conditionally, then the Commission must adopt a new resolution making determinations that will supersede the resolution previously issued.

This Staff Report only relates to the reconsideration request itself. If the Commission decides to reconsider LAFCO 05-02 as recommended, a subsequent staff report and a new recommended Resolution, including options available to the Commission, will be provided prior to the July 20 meeting.

The Reconsideration Request:

Government Code §56895 establishes the process for requests for reconsideration of decisions made by the Commission. A reconsideration request is not valid simply because someone disagrees with the Commission's decision and wants the Commission to change or reverse its decision. There must be new or different facts that could not have presented previously to warrant reconsideration. Note that Section 56895(a), in part, provides:

"The request shall state the specific modification to the resolution being requested and *shall state what new or different facts that could not have been presented previously are claimed to warrant the reconsideration.*" (Italicized emphasis added)

The reconsideration request letters filed on behalf of UFRPOA and NAPHAF allege that the Ojai Valley Sanitary District's determination that the project is categorically exempt

under Section 15319(a) & (b) of the CEQA guidelines is “flawed.” The “project” as described in the District’s CEQA Notice of Exemption is “annexation of the parcels to the Ojai Valley Sanitary District in order to provide sewer service.” The Ojai Valley Sanitary District is the lead agency for this project under CEQA. Because LAFCO as a responsible agency under CEQA used the District’s CEQA 15319(b) categorical exemption determination as a basis for its conditional approval of the annexation, UFRPOA and NAPHAF are requesting that the Commission concur that the District’s CEQA analysis was inadequate, reconsider the conditional approval, and deny the annexation proposal.

Copies of the District’s CEQA Notice of Exemption and Sections 15319 and 15303 of the CEQA guidelines are attached.

Analysis:

UFRPOA and NAPHAF Letters and District Responses:

In determining whether or not to approve a reconsideration request, in whole or part, the Commission must review what new or different facts that could not have been presented previously are claimed to warrant the reconsideration. In the reconsideration request letters filed on behalf of UFRPOA and NAPHAF, three main points have been presented, each relating to the allegation that the Ojai Valley Sanitary District’s CEQA determination is flawed.

1. The first new or different fact that UFRPOA and NAPHAF state could not have been presented previously is that after LAFCO’s March 16, 2005 action conditionally approving the annexation of the Rennacker property to the Ojai Valley Sanitary District, UFRPOA and NAPHAF filed a Petition for Writ of Mandate under CEQA and the Cortese-Knox-Hertzberg Local Government Reorganization Act, and a Complaint for Injunctive and Declaratory Relief, in Ventura County Superior Court. The Petition/Complaint names the Ojai Valley Sanitary District as respondents and Lee Rennacker and his wife as real parties in interest.

The fact that a CEQA lawsuit has been filed against the District and the Rennackers does not in and of itself constitute new or different facts that could not have been presented previously. Such an action can only be filed after a lead agency has made a CEQA determination. The threat of a legal action on CEQA and other grounds was made in correspondence from UFRPOA and NAPHAF representatives that is part of the record of the Commission’s March 16 action. Issues and concerns about the District’s CEQA determination were also raised before and during the Commission’s consideration of LAFCO 05-02.

2. The second new or different fact that UFRPOA and NAPHAF state could not have been presented previously is that UFRPOA and NAPHAF understood that the District's categorical exemption did not include the private portion of Foothill Road. Whatever UFRPOA and NAPHAF and their representatives may or may not have understood about the District's categorical exemption is not a cause for reconsideration. It was clear throughout LAFCO's consideration of the annexation proposal that connecting the Rennacker property to the District's existing facilities would potentially involve the installation of a public and/or private sewer line in both public and private portions of Foothill Road. Further, LAFCO's decision relates only to the annexation of the Rennacker property to the District. LAFCO has no authority to specify the location, alignment, size, or connection method of any sewer pipeline.
3. The third new or different fact that UFRPOA and NAPHAF state could not have been presented previously is that on March 28, after LAFCO's conditional approval of LAFCO 05-02, the Ojai Valley Sanitary District took action on a contract between the District and the Rennackers and, based on the District's meeting agenda description, found the "Rennacker Service Project to be both Statutorily and Categorically Exempt in accordance with CEQA." As LAFCO staff became aware of this potential action, the District was asked to explain what was occurring. Both District staff and District legal council told LAFCO staff that this subsequent action referencing a statutory exemption for the project in no way changed the District's basic CEQA determination.

After the reconsideration request was filed, LAFCO staff requested the District to formally respond about the District's actions on the Rennacker matter in relation to CEQA. Specifically the District was asked to clarify whether or not the District's March 4, 2005 categorical exemption determination applied to the project as a whole, including the annexation and all other actions necessary to provide sanitary sewer service to the Rennacker property. The District's letter response, dated May 6, 2005, resulted in further correspondence to LAFCO by the attorneys for UFRPOA and NAPHAF and the District. Included in this subsequent correspondence were allegations from UFRPOA and NAPHAF, and a letter from the Native American Heritage Commission, that the Rennacker project would impact two potential Native American archeological resource sites. The District subsequently hired an archeologist who determined that the two Native American archeological resource sites referenced are not in the vicinity of the Foothill Road sewer line alignment considered by the District as a part of its CEQA review. All of this correspondence is attached.

It is the staff's opinion that none of the CEQA allegations raised by UFRPOA and NAPHAF constitute new or different facts that warrant reconsideration. All the issues raised either were raised or could have been raised prior to or at the meeting on March

16 when the Commission first took action. There are, however, new and different facts resulting from actions subsequently taken by the District that are cause to grant the reconsideration request.

Subsequent District Actions

The application received from the Ojai Valley Sanitary District for the Rennacker proposal indicated that the District was ready and willing to serve the Rennacker property, and that the District had the capacity to provide service. This was a basic part of the determinations made by the Commission in granting conditional approval of the annexation on March 16. Consistent with the application to LAFCO the District, on March 28, formally authorized the District Chair to sign an Agreement for Wastewater Collection and Treatment Services with Lee Rennacker. Subsequently, however, the District on May 23 revoked its offer to enter into the Agreement for Wastewater Collection and Treatment Services, primarily because Mr. Rennacker did not sign the Agreement. This change of action by the District basically means that it is now uncertain whether or not the District is ready and willing to serve the Rennacker property. This is a significant change, and is a different fact than what had been presented previously. It is on this basis that reconsideration is now being recommended. In order to provide all parties with further time to resolve non-LAFCO related issues, it is recommended that LAFCO schedule reconsideration of LAFCO 05-02 for the meeting of July 20, 2005.

Summary:

The reconsideration request relating to LAFCO 05-02 Ojai Valley Sanitary District Annexation – Rennacker has proven to be most unusual. It is staff's opinion that the reasons for reconsideration expressed by UFRPOA and NAPHAf relating to alleged CEQA issues do not warrant reconsideration as there is nothing factually new or different that was not or could not have been presented on March 16 when the Commission granted conditional approval of the annexation. However, actions by the applicant District since March 16 do warrant reconsideration. The District is not now able to indicate with certainty that it is ready and willing to serve the Rennacker property.

Assuming the reconsideration request is approved, it is recommended the proposal be scheduled for reconsideration on July 20, 2005. It is probable that between the drafting of this Staff Report and July 20, the various parties involved will take other actions that could have an effect on the reconsideration. Unless the District, as the applicant, formally withdraws the proposal, the Commission will consider LAFCO 05-02 on July 20 as if it were a new application.

List of Attachments:

1. LAFCO Resolution 05-02 conditionally approving the Ojai Valley Sanitary District Annexation – Rennacker.
2. The original and supplemental Staff Reports prepared for LAFCO 05-02 for the March 16, 2005 LAFCO meeting.
3. Government Code Section 56895.
4. The March 28, 2005 and April 15, 2005 letters filed on behalf of the Upper Foothill Road Property Owners Association (UFRPOA) and the Neighborhood Alliance to Protect Historic Arbolada-Foothill (NAPHAF), that together constitute the reconsideration request.
5. The Ojai Valley Sanitary District's Notice of Exemption relating to the project.
6. Section 15319 and 15303 of the CEQA guidelines.
7. Correspondence received from the District, representatives for UFRPOA and NAPHAF, and others, since the March 16, 2005 LAFCO meeting.

LAFCO 05-02

**RESOLUTION OF THE VENTURA LOCAL AGENCY
FORMATION COMMISSION MAKING DETERMINATIONS
AND APPROVING THE OJAI VALLEY SANITARY
DISTRICT ANNEXATION – RENNACKER**

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the Ventura Local Agency Formation Commission pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 (Section 56000 of the California Government Code); and

WHEREAS, at the times and in the manner required by law, the Executive Officer gave notice of the of the proposal as required by law; and

WHEREAS, the proposal was duly considered on March 16, 2005; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony for and against the proposal including, but not limited to, the LAFCO Executive Officer's Staff Report and recommendation, the environmental document or determination, Sphere of Influence and applicable General and Specific Plans; and

WHEREAS, all landowners within the affected territory have consented to the proposal; and

WHEREAS, proof has been given to the Commission that the affected territory has less than 12 registered voters and is considered uninhabited; and

WHEREAS, the Local Agency Formation Commission finds the proposal to be in the best interest of the landowners and present and future inhabitants within the Ojai Valley Sanitary District and within the affected territory, and the organization of local governmental agencies within Ventura County.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Local Agency Formation Commission of Ventura County as follows:

- (1) The LAFCO Executive Officer's Staff Report and Recommendation for approval of the proposal dated March 16, 2005 is adopted.
- (2) The annexation to the Ojai Valley Sanitary District is hereby approved, and the boundaries are established generally as set forth in the attached Exhibit A.
- (3) The affected territory is uninhabited as defined by Government Code §56046.

- (4) The subject proposal is assigned the following distinctive short form designation: **LAFCO 05-02 OJAI VALLEY SANITARY DISTRICT ANNEXATION – RENNACKER.**
- (5) The Commission has reviewed and considered the lead agency's determination that the annexation is categorically exempt under Section 15319(b) of the California Environmental Quality Act Guidelines, and finds the annexation to be categorically exempt.
- (6) The Commission directs staff to file a Notice of Exemption in the same manner as a lead agency, under Section 15062 of the California Environmental Quality Act Guidelines.
- (7) The Commission, consistent with California Government Code Section 56663(c), hereby waives protest proceedings entirely.
- (8) **This annexation shall not be recorded until all LAFCO fees have been paid and until fees necessary for filing with the State Board of Equalization have been submitted to the Executive Officer.**

This resolution was adopted on March 16, 2005.

AYES:

NOES:

ABSTAINS:

Dated: _____
Chair, Ventura Local Agency Formation Commission

Copies: Ojai Valley Sanitary District
Ventura County Assessor
Ventura County Auditor
Ventura County Surveyor
Ventura County Planning

Date: 3/1/05

Exhibit A

**OJAI VALLEY SANITARY DISTRICT ANNEXATION
RENNACKER
(OVSD ANNEXATION NO. 2005-01)**

05-02

All of Parcel 2, in the northeast quarter of the southeast quarter of Section 35, Township 5 North, Range 23 West, San Bernardino Meridian, in the County of Ventura, State of California, as said Parcel 2 is shown on the map filed in the office of the County Recorder of said County in Book 5, Page 28 of Parcel Maps, described as follows:

Beginning at the northeast corner of Parcel 4 as shown on said map filed in Book 5, Page 28 of Parcel Maps, said corner also being the northerly terminus of the 8th course of the Ojai Foothills Reorganization to the City of Ojai as shown and described in the Certificate of Completion recorded in the office of said County Recorder on May 12, 1982 as Document No. 044843 of Official Records; thence, along the boundary of said parcel 4 by the following three courses: WEST 1320.00 feet; thence, SOUTH 212.93 feet to the northwesterly corner of said Parcel 2; thence, along the boundary of said Parcel 2 by the following four courses:

- 1st - South 80°55'45" East 208.00 feet; thence,
- 2nd - South 11°37'02" West 262.33 feet; thence,
- 3rd - North 81°41'52" West 154.19 feet; thence,
- 4th - NORTH 267.48 feet to the point of beginning and containing 1.09 acres.

The Ventura County Surveyor's office of the Public Works Agency certifies this map and legal description to be definite and certain.

Certified by:



Date: 3/1/05

SUPPLEMENTAL

STAFF REPORT

Meeting Date: March 16, 2005

TO: LAFCO Commissioners
FROM: Everett Millais, Executive Officer
SUBJECT: LAFCO 05-02 Ojai Valley Sanitary District Annexation - Rennacker

RECOMMENDATION (SUPPLEMENTAL – REVISED):

- A. Certify that the Commission has reviewed and considered the information contained in the CEQA Notice of Exemption prepared by the Ojai Valley Sanitary District as lead agency, dated March 4, 2005, and determine that the change of organization is exempt under Section 15319(b) of the CEQA Guidelines.
- B. Adopt the attached, REVISED resolution (LAFCO 05-02) making determinations and approving the Ojai Valley Sanitary District Annexation – Rennacker.

DISCUSSION:

Since the original staff report for this case was prepared, information has been submitted that indicates the affected property owners may not be able to connect to the Ojai Valley Sanitary District. This information, a by-law amendment adopted by the Upper Foothill Road Property Owners Association, is the potential cause for a dispute between the affected property owners (Mr. Rennacker and his wife) and the Upper Foothill Road Property Owners Association about the use of the private roadway easement described in the original staff report. Information provided by the Upper Foothill Road Property Owners Association about this by-law amendment was distributed with the Commission's agenda packet.

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From a LAFCO perspective, this potential dispute is strictly a private matter. There is no role for LAFCO, or for the Ojai Valley Sanitary District as the project proponent/applicant, in resolving this dispute. The application to LAFCO and the recommendation for approval are predicated on the ability of the Ojai Valley Sanitary District to serve the affected territory. If for any reason the District is unable to serve the affected territory, there is no rationale for the annexation proceedings to be completed.

In order to address the uncertainty caused by the Upper Foothill Road Property Owners Association by-law amendment, the attached, revised Resolution is now recommended. The attached, revised Resolution recognizes the new information and this Supplemental Staff Report and includes a new term and condition (no. 9). The new condition provides that the annexation will not occur unless it is certain that the Ojai Valley Sanitary District can provide service to the affected territory. To achieve this certainty the condition also allows the Ojai Sanitary District to provide a service connection before annexation proceedings are completed.

LAFCO has authority to apply a variety of terms and conditions to change of organization (annexation) proposals, including conditions about the provision of a previously authorized service. The new condition 9 in the attached, revised Resolution authorizes the Ojai Valley Sanitary District to provide a service connection outside its jurisdictional boundaries but within the District's sphere of influence in anticipation of the completion of proceedings for the annexation. Thus, a sewer connection is authorized and, per the condition, must occur before annexation. The effect of the condition also means that before annexation occurs any private property disputes about the ability to install sewer lines necessary for a service connection will first need to be resolved. Further, the affected property owners will have to determine that no other means of service is reasonably possible, and will have to complete construction of service lines and make a service connection, before annexation is complete.

Government Code Section 57001 provides that if a certificate of completion for a change of organization has not been filed within one year after the Commission approves a proposal, the proceeding shall be deemed abandoned. Thus, if the Commission approves the attached, revised Resolution, the affected property owners and the Ojai Valley Sanitary District will have one year (to March 16, 2006) to establish a service connection. If the service connection is established within a year, the annexation proceeding will be recorded and completed assuming the other terms and conditions of approval are met. If a service connection is not established within a year, the annexation will not be completed and the proceedings will be deemed abandoned. No further action by the Commission will be necessary unless the Ojai Valley Sanitary District requests some extension beyond the one-year time frame.

The Commission should also be aware that County Environmental Health Division staff met with the affected property owners on Thursday, March 10, to conduct tests on the property to attempt to definitively determine whether or not any type of on-site wastewater treatment system could be permitted. As of the preparation of this Supplemental Staff Report, however, LAFCO staff has not been advised about the results of these tests. However, the attached, revised Resolution, via condition 9, also addresses this aspect of the proposal. If some type of on-site wastewater treatment system is possible and the affected owners choose to install such a system, then there will be no connection to the Ojai Valley Sanitary District's facilities and no annexation will occur.

Lastly, enclosed with this Supplemental Staff Report is a letter relating to this case from Kathy Couturie. This letter was inadvertently left out of the Commission's packet that was previously distributed.

STAFF REPORT

Meeting Date: March 16 2005

**LAFCO CASE
NAME & NO:**

LAFCO 05-02 Ojai Valley Sanitary District Annexation – Rennacker

PROPOSAL:

To annex property located at 1797 N. Foothill Road into the Ojai Valley Sanitary District for the purpose of providing sanitary sewer service.

SIZE:

1.09 acres

LOCATION:

The proposal area, consisting of two Assessor Parcels with a street address of 1797 N. Foothill Road, is located at the end of a private drive that extends northerly from the intersection of Foothill Road and Farnham Road. The proposal area is in the sphere of influence of the Ojai Valley Sanitary District and the sphere of influence of the City of Ojai in the Ojai Area of interest

PROPONENT:

Ojai Valley Sanitary District by resolution.

NOTICE:

This matter has been noticed as prescribed by law.

PARCEL AND OWNERSHIP INFORMATION:

Assessor Parcel	Property Address	Property Owner
010-0-210-210	1797 N. Foothill Road	Lee Rennacker & Karen McMahon
010-0-210-230	1797 N. Foothill Road	Lee Rennacker & Karen McMahon

RECOMMENDATIONS

- A. Certify that the Commission has reviewed and considered the information contained in the CEQA Notice of Exemption prepared by the Ojai Valley Sanitary

COMMISSIONERS AND STAFF

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District as lead agency, dated March 4, 2005, and determine that the change of organization is exempt under Section 15319(b) of the CEQA Guidelines.

- B. Adopt the attached resolution (LAFCO 05-02) making determinations and approving the Ojai Valley Sanitary District Annexation – Rennacker.

GENERAL ANALYSIS

1. Land Use

Site Information

	Land Use	Zone District Classification	General Plan Designation
Existing	Vacant	County: R-E-2Ac (Rural Exclusive- 2 acre lots. minimum)	County: Rural Residential 2-5 acre minimum lots (Ojai Valley Area Plan) City: Very low density residential – 2-5 acre minimum lot size (City of Ojai General Plan)
Proposed	One Single Family Dwelling/ Residential	No change	No Change

Surrounding Land Uses and Zoning and General Plan Designations

This proposal will have no effect on surrounding land uses, zoning or general plan designations.

Topography, Natural Features and Drainage

The proposal area slopes steeply (general slope of 15% or more) and drains to the south. The proposal area adjoins the Los Padres National Forest to the north, the site is sparsely vegetated with native chaparral and grasses interspersed with outcroppings of local bedrock.

Conformity with Plans

The proposal area is within the Sphere of Influence of the Ojai Valley Sanitary District and the Sphere of Influence of the City of Ojai.

The existing land proposed land use is consistent with the County's Ojai Valley Area Plan and the City of Ojai's General Plan.

The proposal area is not affected by the County's SOAR ordinance.

2. Impact on Prime Agricultural Land, Agriculture, and Open Space

Agricultural Land and Agriculture

The proposal area is not used for agricultural purposes and is not considered prime agricultural land. There are no agricultural uses on any adjoining properties.

The proposal area is not subject to a Land Conservation Act contract or a Farmland Security Zone agreement, and is not located within a greenbelt.

Open Space

While the proposal area adjoins open space designated lands, the area is not considered open space pursuant to Government Code Sections 56059 and 65560, and the proposal will not impact open space lands.

3. Population

The proposal area is vacant and contains no registered voters. As such, the proposal area is uninhabited under the provisions of LAFCO law relating to protest proceedings.

4. Services and Controls – Need, Cost, Adequacy and Availability

The proposal involves annexation to the Ojai Valley Sanitary District so that the property owners can build a single-family house and connect to the District's wastewater collection and treatment system. The closest existing District sewer line is approximately one mile away from the proposal area. Typically, given the size of the property and the distance from the nearest existing public sewer lines, the property owners would be able to install a septic system or another type of on-site wastewater disposal system in conjunction with new construction. In this case, however, it appears from the information submitted to the Environmental Health Division that the soil conditions of the proposal area are such that County Codes and regulations will not permit the installation of a septic system or any other type of on-site wastewater disposal system.

Onsite disposal of wastewater requires suitable conditions to ensure groundwater, surface water, and public health are protected from contamination.

The property owners have not yet been able to demonstrate to the County Environmental Health Division that the soil conditions in the proposal area will accommodate any type of on-site wastewater disposal system without affecting neighboring properties, the groundwater, surface water and public health. Thus, the only way the proposal area can be developed is if the development can be connected to the Ojai Valley Sanitary District's sanitary sewer system. As a part of this application the District has represented that it has the ability and capacity to service the annexation proposal area.

Last year, prior to any applications being filed with LAFCO, the Ojai Valley Sanitary District preliminarily proposed the formation of an assessment district that would provide for the District to extend its sewer lines northerly in Foothill Road to serve the proposal area and all properties between the existing service lines and the proposal area. The concept of an assessment district to fund public sewer line extensions in the area was not supported by a majority of the property owners. The District, therefore, did not continue with all of the necessary design and procedural tasks required to form an assessment district.

The annexation proposal is based on the proposal area property owners paying for all the costs of extending a sewer line to provide sewer service, including construction costs and all connection and other fees. User fees will pay for on-going maintenance. The closest existing Ojai Valley Sanitary District sewer line is in Vista Hermosa Drive, a distance of approximately one mile from the proposal area.

From the proposal area southerly to the intersection of Foothill Road and Farnham Road, a distance of over 2,500 feet, the sewer line would be a private lateral installed in a private road easement. This private lateral would be designed and installed to serve only the proposal area. No other adjoining properties would be able to tie into this private lateral at a future date. Additional service, if desired by other property owners, would require the installation of separate sewer laterals.

From the intersection of Foothill Road and Farnham Road southerly to the connection to the existing sewer line in Vista Hermosa Drive, a distance of approximately ½ mile, the sewer line would be designed and installed as a public sewer line. Along this area adjacent property owners would be able to connect to the sewer line in the future.

The District has indicated that at this point in time the proposal area property owners have not submitted construction plans. Once construction plans are submitted and approved, and based on annexation approval, a 30-year reimbursement agreement will be entered into between the District and the proposal area property owners. This agreement will provide for the proposal area

property owners to be reimbursed on a proportionate share basis by any other property owner who wants to connect to the public portion of the sewer line in Foothill Road. What the costs might be to any other property owner who wants to connect in the future will not be known until the District approves a reimbursement agreement.

State and local codes and regulations relating to the installation, maintenance and functioning of septic systems are increasingly becoming more restrictive and limiting, especially in relation to effects on groundwater and neighboring properties. County Codes and regulations currently preclude any property owner from installing, repairing or expanding a new septic system if the structure served (not the property served) is within 200 feet of an existing public sewer line. Thus, once a public sewer line is extended northerly on Foothill Road to approximately Farnham Road, all adjoining properties with structures within 200 feet of the new public sewer line will be affected by these Codes and regulations in the future. The exact number of affected structures is unknown at this time and cannot be determined until the District approves construction plans for the public sewer extension.

Based on LAFCO staff's understanding of the County Codes and regulations, if a structure is not located within 200 feet of a public sewer line a septic system can be installed, repaired or expanded, depending on soil conditions, lot size and various other factors. Thus, structures north of the intersection of Foothill Road and Farnham Road may be able in the future to install new septic systems, or repair or expand existing septic systems, but such actions are now and will continue to be dependent on proof of adequate soil conditions and sufficient lot areas for wastewater drainage.

Over time it will be desirable, and in many areas required, for all properties within the sphere of influence of the Ojai Valley Sanitary District to be annexed to the District so that developed properties can be served by public sewers. The District, however, does not extend sewer lines on its own. Thus, as is typical with most enterprise districts, the property owners to be served must usually finance extensions of sewer lines. As in this case, this method of financing often results in incremental actions. Even though it is more efficient and less expensive to annex multiple properties at once rather than on a lot by lot basis, the District staff has indicated that having a sewer line installed in this area entirely by one private owner, with a portion turned over to the District for public operation, may result in considerably less expense for other property owners who want to connect in the future.

5. Boundaries and Lines of Assessment

While within the sphere of influence of the Ojai Valley Sanitary District, the proposal area is not contiguous with the existing District boundaries. If approved, the proposal will create a small island of territory in the District, with surrounding properties still being outside the District boundaries. Unlike for cities, there is no legal requirement that territory being annexed to districts be contiguous with existing district boundaries. LAFCO has frequently approved annexations of one or two parcels to districts in order for basic services, such as water or sewer services, to be provided as long as the areas to be annexed are within the district's sphere of influence and other factors required by Cortese-Knox-Hertzberg (Government Code §56000 et seq.) are met.

The boundaries are definite and certain. There are no conflicts with lines of assessment or ownership.

The maps and legal descriptions for this proposal received from the proponent have been checked by the County Surveyor and have been certified as being accurate and sufficient for the preparation of a Certificate of Completion pursuant to Government Code Section 57201 and for filing with the State Board of Equalization.

6. Assessed Value, Tax Rates and Indebtedness

The assessed land value of each parcel per the 2004 - 2005 tax roll is:

Assessor Parcel	Assessed Land Value
010-0-210-210	\$19,609
010-0-210-230	\$36,417
TOTAL	\$56,026

According to the County Assessor both Assessor Parcels in the proposal area are now in tax rate area 70121 and will be assigned to tax rate area 70130 upon the completion of proceedings. Both of these tax rate areas have a property tax rate of \$1.065334 per \$100 of assessed valuation. Thus, the annexation proposal will not result in any change in property taxes.

The Ojai Valley Sanitary District issued a Revenue Refunding Bond in 2003 to refinance prior debt obligations for treatment plant improvements and the construction of other District facilities. This Bond is being repaid from overall District revenues and does not affect property taxes or result in any special assessments. Operation and maintenance of OVSD lines and facilities are financed by monthly sewer service charges.

7. Environmental Impact of the Proposal

The Ojai Valley Sanitary District is the lead agency for this proposal and found the proposal to be categorically exempt under Section 15319(b) of the California Environmental Quality Act Guidelines. As the annexation is to provide sanitary sewer service for the construction of one single-family residence on an existing lot, a categorical exemption is appropriate for this proposal.

8. Regional Housing Needs

According to the California Housing and Community Development Department the County of Ventura adopted an updated General Plan Housing Element on June 19, 2001 and completed State review for compliance on October 18, 2001. The annexation proposal area is to be developed consistent with the County's General Plan. Therefore, the proposal will have no effect on the fair share of the regional housing needs for the County of Ventura.

9. Landowner and Annexing Agency Consent

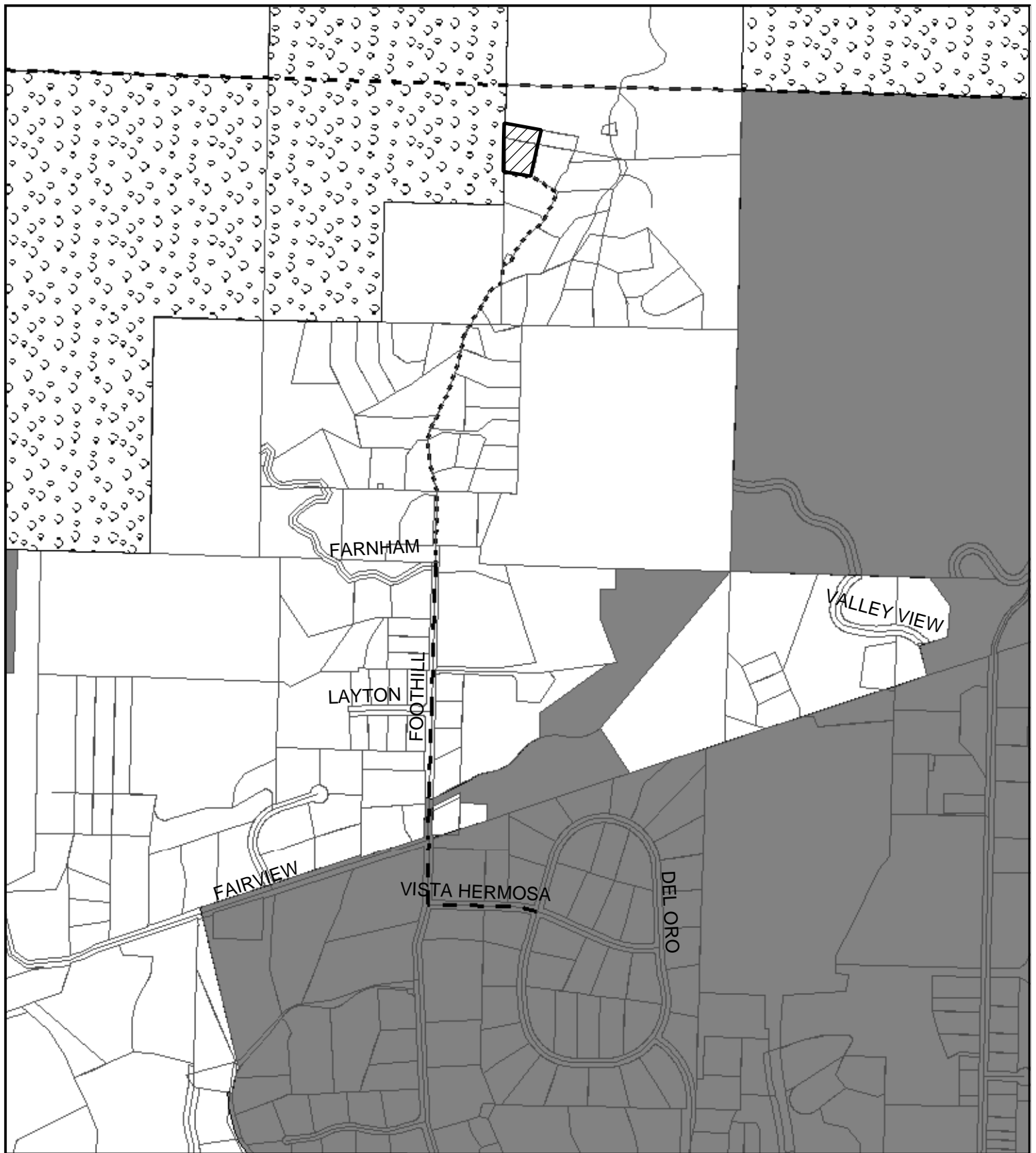
The Ojai Valley Sanitary District has provided proof that all landowners have given their written consent to this proposal and has requested that the Commission waive all protest proceedings.

ALTERNATIVE ACTIONS AVAILABLE:








- A. If the Commission, following public testimony and review of the materials submitted, determines that further information is necessary, a motion to continue the proposal should state specifically the type of information desired and specify a date certain for further consideration.
- B. If the Commission, following public testimony and review of materials submitted, wishes to deny or modify this proposal, a motion to deny should include adoption of this Report and all referenced materials as part of the public record.

BY: _____
Everett Millais, Executive Officer

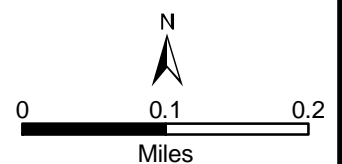
Attachments: (1) Vicinity Map
(2) LAFCO 05-02 Resolution



Legend

- | | | | |
|--|---------------|---|-----------------|
|  | Proposal Area |  | National Forest |
|  | OVSD Boundary | Sewer Route | |
|  | Parcel Lines |  | Private |
|  | OVSD Sphere |  | Public |

Ventura LAFCO Vicinity Map LAFCO 05-02 Ojai Valley Sanitary District Annexation - Rennacker



CALIFORNIA GOVERNMENT CODE SECTION 56895
Reconsideration of LAFCO Actions
As of January 1, 2005

Article 3. Reconsideration

56895. (a) When a commission has adopted a resolution making determinations, any person or affected agency may file a written request with the executive officer requesting amendments to or reconsideration of the resolution. The request shall state the specific modification to the resolution being requested and shall state what new or different facts that could not have been presented previously are claimed to warrant the reconsideration. If the request is filed by a school district that received notification pursuant to Section 56658, the commission shall consider that request at a public hearing.

(b) Notwithstanding Section 56106, the deadlines set by this section are mandatory. The person or agency shall file the written request within 30 days of the adoption of the initial or superseding resolution by the commission making determinations. If no person or agency files a timely request, the commission shall not take any action pursuant to this section.

(c) Upon receipt of a timely request, the executive officer shall not take any further action until the commission acts on the request.

(d) Upon receipt of a timely request by the executive officer, the time to file any action, including, but not limited to, an action pursuant to Section 21167 of the Public Resources Code and any provisions of Part 4 (commencing with Section 57000) governing the time within which the commission is to act shall be tolled for the time that the commission takes to act on the request.

(e) The executive officer shall place the request on the agenda of the next meeting of the commission for which notice can be given pursuant to this subdivision. The executive officer shall give notice of the consideration of the request by the commission in the same manner as for the original proposal. The executive officer may give notice in any other manner as he or she deems necessary or desirable.

(f) At that meeting, the commission shall consider the request and receive any oral or written testimony. The consideration may be continued from time to time but not to exceed 35 days from the date specified in the notice. The person or agency that filed the request may withdraw it at any time prior to the conclusion of the consideration by the commission.

(g) At the conclusion of its consideration, the commission may approve or disapprove with or without amendment, wholly, partially, or conditionally, the request. If the commission disapproves the request, it shall not adopt a new resolution making determinations. If the commission approves the request, with or without amendment, wholly, partially, or conditionally, the commission shall adopt a resolution making determinations that shall supersede the resolution previously issued.

CALIFORNIA GOVERNMENT CODE SECTION 56895
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(h) The determinations of the commission shall be final and conclusive. No person or agency shall make any further request for the same change or a substantially similar change, as determined by the commission.

(i) Notwithstanding subdivision (h), clerical errors or mistakes may be corrected pursuant to Section 56883.